

REMARKS

The Examiner requires restriction of one of the following species of inventions:

GROUP I: Species of FIGS. 3 and 4A-4F;

GROUP II: Species of FIG. 5;

GROUP III: Species of FIGS. 6 and 7A-7O; and

GROUP IV: Species of FIGS. 8 and 9A-9P.

In response to the Examiner's Election of Species Requirement, Applicants elect, with traverse, to prosecute claims **1, 4-7, 10-18 and 21-28** reading on, for example, **GROUP IV (FIGS. 8 and 9A-9P)**. Applicants respectfully reserve the right to file a divisional application directed to non-elected claims 2, 3, 8, 9, 19 and 20. **Claim 1 is generic to all of Species I-IV.**

Under current U.S.P.T.O. Practice upon allowance of claim 1, Applicant is entitled to consideration and rejoinder of claims 2, 3, 8, 9, 19 and 20.

With respect to Applicants' traversal, Applicant respectfully directs the Examiner's attention to M.P.E.P. § 803 which states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine on the merits, even though it includes claims too distinct or independent invention. (emphasis added)

There are two criteria for a proper requirement for restriction. The invention should be independent or distinct, and

2) there must be a serious burden on the Examiner if a restriction is not required. *See, e.g.,* M.P.E.P. §§ 803.092, 806.04 A through J, 808.01(a) and 808.02.

Applicant respectfully submits that the Examiner would not be unduly burdened if forced to examine Species I-IV.

Moreover, the Examiner's Election of Species Requirement is improper because groups I – IV are not species. FIG. 1 illustrates an example embodiment of a conversion apparatus. *Applicants' Specification*, p. 8. The conversion apparatus of FIG. 1 may include an interlaced-to-progressive converter (IPC) 210 and a progressive-to-interlaced converter (PIC) 220. *Id.* at 9. FIGS. 3 and 5 illustrate example embodiments of the interlaced-to-progressive converters (IPCs), which may be included in the conversion apparatus of FIG. 1. *Id.* at 8-9. FIGS. 6 and 8 illustrate example embodiments of the progressive-to-interlaced converters (PICs), which may be included in the conversion apparatus of FIG. 1. *Id.* Thus, at most, the IPCs shown in FIGS. 3 and 5, and the PICs shown in FIGS. 6 and 8 are subcomponents of the larger conversion apparatus of FIG. 1, but not species.

For at least the foregoing reasons, reconsideration and withdrawal of the outstanding Election of Species Requirement and favorable allowance of all claims in the instant application are earnestly solicited.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY & PIERCE, PLC

By 

John A. Castellano, Reg. No. 35,094
P.O. Box 8910
Reston, VA 20195
(703) 668-8000

JAC/AMW/eah

